HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V. SEETHAPATHY

WRIT PETITION NO.14545 OF 2006

BETWEEN

Kandula China Subbaiah

.....

Petitioner

And

The State Election Commission,
Rep. by its Secretary,
Secunderabad & others.

.....Respondents

::O R D E R ::

Counsel for the Petitioner : Shri P. Rajeswara Prasad

Counsel for Respondent No. 1 : Shri V.V.P. Rao

Counsel for Respondent Nos. 2 and 3 : Government Pleader for Panchayat Raj

Dated: 21.07.2006

Per G.S. SINGHVI, CJ

In this petition, the petitioner, who claims to be Ex-Sarpanch of Garlapadu Village, Maddipadu Mandal, Prakasam District, has prayed for grant of a declaration that the action of respondent Nos. 2 and 3 in not conducting enquiry into the bogus enrollment of voters in the electoral rolls of Garlapadu Village and conducting elections on the basis of the bogus voters' list is illegal and violative of Article 14 of the Constitution.

We have heard learned counsel for the parties and perused the record. In our opinion, the writ petition is liable to be dismissed because the same is devoid of material particulars and also on the ground of non-impleadment as party respondents, who are sought to be deprived of their legal right to cast vote in the forthcoming elections to the Gram Panchayat. In paragraph 3 of his affidavit, the petitioner has given the particulars of several persons whose names are said to have been included in the voters' list of Village Garlapadu despite the fact that they are already registered as electors for other villages and averred that their names could not have been included in the voters' list of Garlapadu Village, but none of them has been impleaded as party to the writ petition. In our opinion, without hearing those persons, who are sought to be deprived of their right to cast vote, relief in terms of the prayer made in the writ petition cannot be granted.

Another fatal defect with which the writ petition suffers is that the petitioner has not placed on record the electoral rolls of the Assembly Constituency and Garlapadu Village and the objection allegedly filed by him against the wrongful inclusion of the names of large number of persons in the voters' list of Garlapadu Village. Without examining the electoral rolls and the

objections of the petitioner, it is not possible for us to record a finding that the names of persons mentioned in paragraph 3 of the writ petition have been wrongly included in the voters list of Garlapadu Village.

For the reasons afore-stated, the writ petition is dismissed.

G.S. SINGHVI, CJ

G.V. SEETHAPATHY, J

21.07.2006
svs